

## BOARD OF ADJUSTMENT MEETING MINUTES

March 11, 2015

CITY1300.DSS

Chairperson called the regular Board of Adjustment meeting of March 11, 2015, to order at 5:31 p.m. in the Council Chambers of West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines, Iowa.

Roll Call: Blaser, Cunningham, Drake.....Present  
Christiansen, Stewart.....Absent

### **Item 1 – Consent Agenda**

#### **Item 1a – Minutes of January 14, 2015**

#### **Item 1b – Minutes of February 11, 2015**

#### **Item 1c – Approval of Resolution of Approval – Variance Request – Wolf Construction – Scott Wolfswinkel – 2202 Wolf Way – VAR-002564-2014**

Chairperson Drake stated that since there is a lack of Board members present that were in attendance at the Board meeting of January 14<sup>th</sup>, the minutes of that meeting, the approval of the resolution of approval for the variance request for Wolf Construction, and the minutes from the Board meeting of February 11<sup>th</sup> need to be deferred to the next Board meeting.

Moved by Board member Blaser, seconded by Board member Cunningham, the Board of Adjustment defers the minutes of the January 14, 2015 and January 11, 2015 meetings and the approval of the resolution of approval for Wolf Construction be deferred to the next meeting.

Vote: Blaser, Cunningham, Drake.....Yes  
Christiansen, Stewart.....Absent

Motion carried.

### **Item 2 – Old Business**

There were no Old Business items reported.

### **Item 3 – Public Hearings**

#### **Item 3a – Permitted Conditional Use Permit – Des Moines Golf and Country Club – 1600 Jordan Creek Parkway – Approval to install a billboard to advertise the Solheim Golf Tournament – PC-002600-2015**

Chairperson Drake opened the public hearing and asked the Recording Secretary to state when the public hearing notice was published. The Recording Secretary stated that the notice was published on February 20, 2015, in the Community Section of the Des Moines Register.

Chairperson Drake then asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Board member Cunningham stated that he would like to disclose for the record that although he is a social member of Des Moines Golf & Country Club, he is not a golf member and has no involvement with the Solheim golf tournament and therefore, does not believe that he would need to recuse himself from discussion of this item.

Kevin Wilde, Sign Administrator, stated that staff did confer with the City Attorney to inquire whether or not Board member Cunningham would need to recuse himself and it was the City Attorney's opinion that he did not believe that a conflict of interest was present.

Chairperson Drake and Board member Blaser were both in agreement that Board member Cunningham's situation does not pose a conflict of interest with the applicant's proposed request.

Moved by Board member Cunningham, seconded by Board member Blaser, the Board of Adjustment accepts and makes a part of the record all testimony and all other documents received at this public hearing.

Vote: Cunningham, Blaser, Drake ..... Yes  
Christiansen, Stewart ..... Absent

Motion carried.

Jim Cutter, representative for Des Moines Golf and Country Club, stated that the proposal is on Des Moines Golf's property at the corner of Jordan Creek Parkway and the on-ramp of Interstate 80. They would like to install a billboard advertising the Solheim Cup golf tournament. They anticipate a time frame of installing it this summer to coincide with the Solheim Cup tournament in Germany and have it remain until October 1, 2017, at the very latest.

Chairperson Drake asked Mr. Cutter if the applicant was aware of staff's recommendations and conditions and if they were in agreement with them.

Mr. Cutter added that they had originally submitted a request for a countdown clock that included days, hours, minutes, and seconds but were requested by staff to limit it to just days, which the applicant was agreeable to doing. The only digital portion of the counter will be for the days.

Chairperson Drake asked if there were any additional questions or comments from the audience and upon hearing none, declared the public hearing item closed.

Mr. Wilde explained that it's not often that staff is supportive of a billboard sign. This property is unique in that it is zoned open space. Staff is comfortable with recommending approval of the applicant's request since it is for a limited time frame with a means to make it go away. Staff stated that in respect to the digital countdown, the courts have ruled that time and temperature clocks can be handled differently than other digital signs. The Sign Code does not define time as a standard clock. Des Moines Golf and Country Club is agreeable to counting down only the days although their original request was for the minutes and seconds. By modifying the request to just days, staff is comfortable with allowing it under the scope of time. Conditions of approval include removal of the sign by October 1<sup>st</sup>, only the countdown clock for the countdown of the number of days until the tournament can be digital, and that they provide the City with the necessary documents for structural calculations at the time that they submit the sign permit.

Moved by Board member Blaser, seconded by Board member Cunningham, the Board of Adjustment adopt a resolution for approval of a Permitted Conditional Use Permit to allow the installation of a billboard in the southeastern portion of the property to advertise the August 2017 Solheim Golf tournament, subject to meeting all City Code requirements and the following:

1. The applicant providing as part of the sign permit application, details of the sign structure to demonstrate compliance with building code regulations (i.e. wind loading, footing and structural support); and,

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2. The digitally changeable portion of the sign shall consist of only the “number” of days remaining until the start of the tournament with all other text being static (painted or printed); and,
3. The sign shall be removed from the site prior to October 1, 2017.

Vote: Blaser, Cunningham, Drake..... Yes  
Christiansen, Stewart..... Absent  
Motion carried.

### **Item 4 – New Business**

There were no New Business items reported.

### **Item 5a – Staff Reports**

The Recording Secretary stated that an invitation was placed on the dais inviting them to a small reception congratulating Jennifer Drake on her years of service with the Board of Adjustment.

### **Item 6 – Adjournment**

Chairperson Drake asked for a motion to adjourn the meeting.

Moved by Board member Blaser, seconded by Board member Cunningham, the Board of Adjustment meeting adjourns.

Vote: Blaser, Cunningham, Drake..... Yes  
Christiansen, Stewart..... Absent  
Motion carried.

The meeting adjourned at 5:40 p.m.

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Jennifer Drake, Chairperson  
Board of Adjustment

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Michelle Riesenberg, Recording Secretary